pletely destroyed by fire. The life tenant had an insurance policy on the building covering her interest therein. *Held,* that the life tenant was not obliged to rebuild and that the remainder man could recover no part of the insurance money—nor was the life tenant liable for waste. The decision gives an exhaustive history of liability for waste in like cases.

MARRIED WOMEN'S CONTRACTS—PRESUMPTIONS—WARNER V. HESS, 49 S. W. 489 (Ark.).—Under the Arkansas statutes, which permit a married woman to contract with reference to her services her separate estate and separate business carried on by her, a contract made by her is prima facie invalid. Riddick, J., dissenting.

MUNICIPAL CORPORATIONS—ANNEXATION OF TERRITORY—GIBSON V. WOOD, 49 S. W. 768 (Ky.).—The charter of the city of Louisville provides that "no person shall be eligible to any office who is not at the time of his election a qualified voter of the city, and who has not resided therein three years preceding his election." *Held,* that one who has resided in one place for three years, which place some two months before the election became a part of the city, was eligible for an office under the Louisville charter, though up to that time his place of residence had not been a part of the city.

MUNICIPAL CORPORATIONS—INDEBTEDNESS—LIMIT—CITY OF CHICAGO V. MCDONALD, 52 N. E. Rep. 982 (Ill.).—Constitution, 1870, Article 9, § 12, prohibited a city from becoming indebted, in any manner or for any purpose, to an amount exceeding five per cent. of the taxable value of its property. *Held,* that in determining this indebtedness the cash in the city treasury and uncollected taxes should not be deducted. Cartwright and Phillips, J. J., dissenting.

ORDINANCES—REASONABLENESS—COVERING FOR FRUIT—FROST V. CITY OF CHICAGO, 52 N. E. Rep. 869 (Ill.).—An ordinance provided: "It shall be and is hereby made unlawful to cover any box, basket, or any other package or parcel of fruit, berries or vegetables of any kind, with any colored netting, or any other material which has a tendency to conceal the true color or quality of any such goods which may be sold, offered for sale or had in possession for the purpose of being sold or offered for sale." *Held,* void as an unreasonable interference with and restriction upon the rights of dealers in certain articles of trade and commerce.

PATENTS—PRELIMINARY INJUNCTION—HORN & BRANNEN CO. V. PELZER, 91 Fed. 665.—Appellee took out a patent in 1882. In 1891 this patent was adversely ruled upon, and in 1894 he surrendered the patent and applied for a re-issue, which was granted in 1895. Meanwhile various patents were issued, among which was one which covered the manufacture of the appellant. The Circuit Court of Appeals in the second circuit held the re-issued patent valid. *Held,* on a consideration of the facts as above and of the patent, that though the general rule is a preliminary injunction against infringement will be granted where the patent in question has been adjudged valid in another circuit, that it would be refused here. Butler, D. J., dissented.

POLICE POWER—SCHOOLS—COMPULSORY VACCINATION OF PUPILS—PEOPLE EX REL. LABAUGH V. BOARD OF EDUCATION, 52 N. E. Rep. 850 (Ill.). —A rule adopted by the State Board of Health compelling the vaccination of

children as a prerequisite to their attending the public schools is unreasonable where smallpox does not exist in the community, and there is no reasonable cause to apprehend its appearance. The power to compel the vaccination of children is derived from the general police power of the State, and can only be justified as a necessary means for preserving health.

RAILROADS—CONTRIBUTORY NEGLIGENCE—SAN ANTONIO & A. P. RY. CO. v. GREEN, 49 S. W. 670 (Tex.).—Plaintiff, while running to a fire, found the street blocked by a railway train, not then in motion. He was climbing over the train, when it started and he was injured. Other people were climbing the train at the same time. *Held,* he was not guilty of contributory negligence.

SERVANTS—WHO ARE FELLOW SERVANTS—C. & A. RY. CO. v. SWAN, 52 N. E. Rep. 916 (Ill.).—*Held,* that a baggageman on the train was not a fellow servant of the engineer on the same train.

SUIT AGAINST A STATE—GROSS v. KENTUCKY BOARD OF MANAGERS OF WORLD'S COLUMBIAN EXPOSITION, 49 S. W. 458 (Ky.).—The State of Kentucky created a Board of Managers to provide for the representation of the State at the World's Fair. These managers were to be appointed by the Governor, and the money they were to use was State money and the proceeds of the renting of part of a building erected with this State money. The board had power to make contracts, but were not personally interested in the business. *Held,* that the board was a quasi-corporation and could be sued. Paynter and Guffy, J. J., dissented on the ground that this was a suit against the State.

TRADE NAME—INJUNCTION—AMERICAN WALTHAM WATCH CO. v. UNITED STATES WATCH CO., 53 N. E. Rep. 141 (Mass.).—*Held,* that where a manufacturer of watches in the city of Waltham had acquired a great reputation, and had used the word "Waltham" originally in a mere geographical sense in connection with his watches, but such word had, by long use, come to have a secondary meaning, as a designation of the watches which the public had been accustomed to associate with the name, another person beginning the manufacture of watches a long time thereafter would be enjoined against using the words "Waltham" or "Waltham, Mass.," upon plates of its watches, without some statement distinguishing them from watches made by plaintiff.